IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.212 OF 2005
IN
SECOND APPEAL NO. 110 OF 2005

Subhash Hastimal Lodha & anr. ... Appellants.
Versus.
Krishi Utpanna Bajar Samiti Pune. ... Respondents.

Shri Saraf i/by M/s.Udwadia & Udeshi for the Applicants.

Shri M.L.Patil for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 8th April, 2005.

P.C.:

1. Rule. The Respondents waive service. An Affidavit filed by the Appellant No.1 for himself and on behalf of the Appellant No.2 is taken on record and marked "X" for identification. The undertakings in paragraphs 1 and 2 of the Affidavit are accepted.

2. In view of the said undertakings the Civil Application is disposed of by the following order:

(i) Till final disposal of the Second Appeal the execution and operation of the impugned Judgment and Decree stands stayed subject to the following conditions:

. (a) The Appellants will not carry out any further construction, will not create any

third party interests, will not part with possession and will not use in any manner the constructed premises on plot Nos.412 to 416 out of Survey No.582.

. (b) As and when the Appellants receive back possession of the buildings on Plot No.417 to 419, they will use the said buildings for the purpose of carrying out wholesale business of jaggery and grocery.

. (c) In the event of the Appellants committing any breach of the terms and conditions incorporated in this order or committing any breach of the undertakings which are accepted, liberty to the Respondents to apply for vacating the order of stay without prejudice to the right of adopting other remedies which are available.

(ii) Civil Application disposed of in the above terms with no order as to costs.

(iii) Parties to act on an authenticated copy of this order.

Judge.